

**FAX COVER SHEET****Nixon & Vanderhye PC.**

ATTORNEYS AT LAW  
1100 NORTH GLEBE ROAD, SUITE 800  
ARLINGTON, VIRGINIA 22201-4714

TELEPHONE: 1-703-816-4006  
FACSIMILE: 1-703-816-4100

**FAX RECEIVED**  
MAR 04 2002  
GROUP 1800

---

**TO:** Examiner Ponnaluri 703 305 3884  
**FIRM:** Art Unit 1627  
**FAX NO:** 703 305 3014  
**DATE:** March 1, 2002  
**FROM:** Arthur R. Crawford  
**PAGES:** three

OFFICIAL

**YOUR REF:** Serial No. 09/740,486 Application of Waggoner  
**OUR REF:** 4091-2

**MESSAGE**

Please see the attached response to the Requirement for Restriction.

**OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED****MAR 04 2002**

In re Patent Application of

WAGGONER

Atty. Ref.: 4091-2

Serial No. 09/740,486

Group: 1627

Filed: December 19, 2000

Examiner: Ponnaluri, P.

**GROUP 1600**

For: CYANINE DYES AS LABELING REAGENTS FOR  
DETECTION OF BIOLOGICAL AND OTHER  
MATERIALS BY LUMINESCENCE METHODS

\* \* \* \* \*

March 1, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE**

This responds to the Official Action dated February 22, 2002. Restriction is required between six different groups of claims.

Applicant elects Group III, claims 17 to 19. This response is made *with traverse* to the extent that claims 13 to 16 and claim 20 (Group II) should also be examined with the elected claims as the scope of claims 13 to 16 and 20 will fall within the area of search of the elected claims.

Item 7 of the Action argues groups II and III a draw to different products, however the cyanine dye of group II falls within the luminescent dyes (inclusive of cyanine) of elected Group III, hence it is not apparent this "difference" is significant, particularly as the cyanine dyes are included in both Groups.

WAGGONER

Serial No. 09/740,486

Responsive to the requirement for election of species in item 11 of the Action, for initial search purposes the specific component is nucleotides (as in the list of components in claim 18) and the specific dye is cyanine dye.

An examination on the merits is awaited.

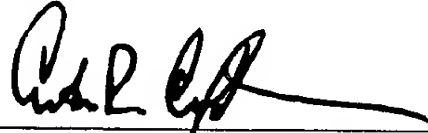
**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on March 1, 2002.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: \_\_\_\_\_



Arthur R. Crawford

Reg. No. 25,327

ARC:

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100